IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A. O. No. 1020 of 1987

Date of decision: March 7 , 2007.

Kamla and others

.....Appellants.

Vs.

Jagir and others

.....Respondents.

Present: Mr.Azad Singh, Advocate for the appellants.
Mr. Jitender Chauhan, Addl. Advocate General, Haryana
for the respondent-State.

JUDGMENT

M.M.Aggarwal, J.

The claimants are wife and children of deceased Mahabir aged 32 years who had died in motor accident having taken place on 1.1.1987. The offending vehicle was Haryana Roadways bus owned by Haryana State.

The MACT Bhiwani while assessing compensation vide award dated 11.8.1987, had assessed income of the deceased at Rs.500/- per month and dependency Rs.350/- and had applied multiplier of 18 and had awarded Rs.75,600/- as compensation. This appeal for enhancement of compensation was filed on the ground that deceased was an agriculturist having 25 acres of land which he was cultivating and his income was about Rs.50,000-60,000/-

per year.

Before MACT, Bhiwani, some witnesses had been produced to say that deceased was agriculturist and had land and was cultivating the same and his income was Rs.5000/- per month but no jamabandi was produced, MACT had treated the deceased to be a labourer earning Rs.20/- per day and assessed his come at Rs.500/- . He further held that deceased must be spending Rs.150/- on himself and therefore dependency was assessed at Rs.350/- .

Even if no jamabandi of the land was produced, still in the year 1987 even a labourer may be earning about Rs.800 to 1000/- per month. There was widow and three minor children of the deceased and there was a mother also who died during the pendency of the case. The dependency in this case could easily be taken to be Rs.600/- per month and yearly dependency at Rs.7200/-.

Since age of the deceased was 32 years, the multiplier of 18 was proper.

In the facts and circumstances of the case, I am of the view that Rs.1,29,600/- would be just and fair compensation.

This appeal is allowed to this extent that the claimants-appellants shall be entitled to Rs.1,29,600/- as compensation. The enhanced compensation shall be payable with interest at the rate of 6% per annum from the date of petition till amount is paid.

(M.M.Aggarwal)
Judge

March , 2007
raghav